

DECLARATION OF DR. ELLIOTT YOUNG PHD

I, Elliott Young, hereby declare:

I make this declaration based on my own personal knowledge. If called to testify, I could and would do so as follows:

1. I provide this declaration to offer my expert opinion on how the debate over Temporary Protected Status (TPS) for Honduras and Nicaragua, and more broadly the debate over TPS generally, reflects the history of racism in immigration policy debates in the United States. It is my considered opinion that the statements and actions of various people in the Trump administration (including President Donald Trump and DHS Secretary Kristi Noem) characterizing Central American TPS holders as dangerous criminals who harm the U.S. economy is a false narrative, and one reflecting racist tropes that have long been wielded against immigrants to the United States.

2. I also provide my expert opinion on current conditions in Honduras and Nicaragua. It is my expert opinion that neither country is safe to accept the return of its nationals, and the security situation has not improved since the TPS designations for both countries were last extended in June of 2023.

3. I make this declaration based on my personal and professional knowledge, my skill, experience, training, and education, and facts and data regularly relied upon in my field that are currently available to me. If additional information becomes available, or if I believe it would be appropriate to respond to any critique or contrary theories, I will advise Plaintiffs' counsel that I intend to do so and will seek their help in following the appropriate judicial procedures. The opinions in this declaration are my own. A true and correct copy of my CV is attached as Appendix A.

I. Expertise

4. I am qualified to provide my opinion given my background and experience on the history of U.S. immigration. I am Professor of history at Lewis & Clark College where I have taught Latin American and immigration history for more than 27 years, and was director of Latin American Studies for more than a decade. I have also served as chair of the History department; as director of Ethnic Studies for more than a decade; and (currently) as co-director of the Stanford Migration & Asylum Lab (MAL). I am the co-author of the 2023 Honduras Country Conditions Bulletins published by the Migration & Asylum Lab, and am currently finishing editing a 2025 Nicaragua Country Conditions Bulletin.

5. I regularly teach classes that discuss the human rights and political conditions in Central America, and I teach a class on Immigration and Asylum Law and a Public History Lab course that focuses on country conditions in Central America, specifically in Honduras and Nicaragua. In August 2023, I was part of a fact-finding mission to Honduras for the Migration & Asylum Lab. I lived in Nicaragua for a year in 1989-90, and have visited subsequently for shorter periods of time. I have provided expert witness declarations in over 150 cases involving immigrants from Honduras, and provided testimony for about half of these; I have always been found to be an expert by immigration courts. I have conducted extensive field research and scholarly studies about cross-border smuggling, paramilitary groups on the border, and clandestine trafficking of migrants.

6. My articles have appeared in leading scholarly journals like the *American Historical Review*, *Past & Present*, the *Pacific Historical Review*, *Western Historical Quarterly*, *Mexican Studies*, *Cuban Studies*, and the *Southwestern Historical Quarterly*. I have published four books: *Forever Prisoners: How the United States Made the Largest Immigrant Detention System in the World* (Oxford University Press, 2021); *Alien Nation: Chinese Migrations in the Americas from the Coolie Era to WWII* (UNC Press, 2014); *Catarino Garza's Revolution on the Texas Mexico Border*

(Duke University Press 2004); and a co-edited volume on borderlands history entitled *Continental Crossroads: Remapping the US-Mexico Borderlands History* (Duke University Press 2004). I have also published book chapters in volumes published by Oxford University Press, University of Illinois Press, University of Texas Press and Routledge.

7. I earned a BA in History and Latin American Studies from Princeton University '89, and an MA and Ph.D. in Latin American History from the University of Texas at Austin '97.

8. I was awarded the Fulbright and Fulbright Hays fellowships in Mexico, a Woodrow Wilson and a Mellon fellowship, and a Franklin Fellowship awarded by the American Philosophical Society. I have lectured at universities and other public fora in the United States and Mexico about clandestine migratory networks between the U.S. and Mexico.

9. I also founded the Tepoztlán Institute for Transnational History of the Americas in 2004. This Institute brings together North and Latin American scholars every July to discuss issues such as migration, violence and transnational criminal networks. I am also the founder and director of the Migration Scholar Collaborative (MiSC), a network of over forty migration scholars throughout the country.

II. Racism in U.S. Immigration History

10. The idea of stigmatizing immigrants as dangerous criminals and national security threats has a long history in the United States stretching back to the early days of the Republic.¹ Immigration restrictions and the rhetoric surrounding them have reflected racism throughout United States history, as those opposing immigrant populations understood as non-white have described them as animals, criminals, mentally or physically ill, and likely to “poison the blood” of the country

¹ Elliott Young, *Forever Prisoners: How the United States Made the Largest Immigrant Detention System in the World* (New York: Oxford University Press, 2021).

or otherwise dilute its gene pool. President Trump and others involved in his campaign have used all of these tropes as part of their attack on immigrants in general and Central Americans in particular.

11. These tropes have been used from the nation's outset. Naturalization laws starting in 1790, for example, restricted citizenship to "free white" people, while other immigration laws prevented the entry of Black and Chinese people.² In the wake of the Haitian Revolution in 1791, a group of white North Carolinians petitioned Congress to ban the entry of Black people from the Caribbean, which they asserted were "a species of population too obnoxious to be tolerated." In the decades preceding the Civil War, the staunchly pro-slavery J. D. B. DeBow, a New Orleans journalist, argued against the importation of Chinese contract laborers, known as "coolies," labeling them "half savages and half-civilized idolators."³ Congress acceded to these demands by passing the 1862 Anti-Coolie Act, barring entry of Chinese contract laborers.⁴ And then, in 1882, Congress prohibited the entry of all Chinese laborers in the Chinese Exclusion Act. Senator John F. Miller, a California Republican introduced the bill to exclude Chinese, comparing them to an invading army and calling the Chinese a "degraded and inferior race."⁵ The demonization of Chinese immigrants would continue in the decades that followed. Furthermore, racist tropes about the Chinese eating cats, dogs, and rats were used to dehumanize them and garner support for anti-Chinese legislation. In his 1888 presidential campaign, Grover Cleveland distributed trading cards depicting cartoonish

² A Bill to Establish a Uniform Rule of Naturalization, and Enable Aliens to Hold Lands under Certain Conditions; 3/4/1790; (SEN1A-C1); Bills and Resolutions Originating in the House and Considered in the Senate, 1789 - 2002; Records of the U.S. Senate, Record Group 46; National Archives Building, Washington, DC. [Online Version, <https://www.docsteach.org/documents/document/naturalization-act-of-1790>, February 15, 2025].

³ Moon-Ho Jung, *Coolies and Cane : Race, Labor, and Sugar in the Age of Emancipation* (Baltimore: The Johns Hopkins University Press, 2006), p. 30.

⁴ Elliott Young, *Alien Nation: Chinese Migration in the Americas from the Coolie Era to WWII* (Chapel Hill: University of North Carolina Press, 2014), 102.

⁵ Erika Lee, *America for Americans: A History of Xenophobia in the United States* (New York: Basic Books, 2019), 90-92.

images of Chinese eating rats (which were kept as pets at the time), eerily echoing Donald Trump's false claims about Haitians eating cats and dogs in Ohio.⁶

12. Immigration restrictionists continued to employ racist ideology to justify their positions in the 1920's. The 1924 Johnson Reed Act established immigration quotas based on national origins. The government chose the 1890 Census as a baseline to reduce the number of Eastern and Southern Europeans and Jews allowed into the country. One of the Bill's sponsors, Senator David Reed (R-Pennsylvania), exclaimed, "We have closed the doors just in time to prevent our Nordic population being overrun by lower races." Reed also wanted to keep out Black people migrating from the West Indies.⁷ Eugenicist Harry Laughlin served as an expert advisor to the House Committee on Immigration during the process. The Act also continued to exclude Asians and established minimal quotas for other countries. In an unpublished sequel to *Mein Kampf*, Adolf Hitler praised the 1924 Immigration Act as a valiant effort to exclude the "foreign body" of "strangers to the blood" of the ruling race."⁸

13. Anti-immigrant racist tropes specifically targeting people we think of today as "Latino" are also at least one hundred years old. During a debate over the Undesirable Aliens Act of 1929 (which created the offense of illegal reentry after deportation), Congressman Charles Edwards of Georgia made it clear that he believed Mexican immigrants were criminals, diseased and "scum." As he said, "As a rule they are not the better or higher-type Mexicans, but generally of the less desirable type, and in many cases the criminal and diseased element. Something must be done to stop this. . . . This ignorant and undesirable element pouring into the United States from Mexico, not

⁶ Claire Wang, "'A Very Old Political Trope': The Racist US History Behind Trump's Haitian Pet Eater Claim," *Guardian*, Sept. 14, 2024, <https://www.theguardian.com/us-news/2024/sep/14/racist-history-trump-pet-eating-immigrant>.

⁷ As cited in, Kelly Lytle Hernandez, "The Whites-Only Immigration Regime," *Western Historical Quarterly* 56, no. 1 (2025): 3, 8.

⁸ As cited in Erika Lee, *America for Americans: A History of Xenophobia in the United States* (New York: Basic Books, 2019), 143.

only do not understand American ideals, but many of them come into our country with hatred in their hearts for America and Americans. . . . Let's be just and fair to our own Republic and not poison her institutions with the riff-raff and scum of other countries who will not, and can not, from the very nature of things, become one of us because they have no conception of Americanism.”⁹ In the debates over this bill, Texas Congressman John Box similarly asserted that Mexicans were linked to criminality and disease. “They are badly infected with tuberculosis and other diseases; there are many paupers among them; there are many criminals; they work for lower wages; they are as objectionable as immigrants when tried by the tests applied to other aliens.”¹⁰ These stereotypes echo the derogatory statements made by President Trump, Secretary Noem, and other Trump administration officials about Central American immigrants.

14. The 1952 McCarran-Walter Immigration Act, in some ways, took a step forward by eliminating the absolute prohibition on Asian immigration, but in many ways, this act reinscribed many of the racist restrictions that had been part of the 1924 Johnson-Reed Act and earlier Asian exclusions. Racist ideology and language were again used to justify its provisions. The Bill's co-sponsor Patrick McCarran, a Democrat from Nevada, explained that Congress needed to preserve the Western European composition of the United States. “The cold hard truth is that in the United States today there are hard-core, indigestible blocks who have not become integrated into the American way of life.”¹¹ Other congressional representatives pointed out the racism of the bill. Representative Powell criticized the Asian quota and also the limitation on people born in Trinidad, Jamaica, and

⁹ Eric Fish, “Race, History and Immigration Crimes,” *Iowa Law Review* 107 (2022), p. 1087, <https://ilr.law.uiowa.edu/sites/ilr.law.uiowa.edu/files/2022-11/Race%2C%20History%2C%20and%20Immigration%20Crimes.pdf>.

¹⁰ Benjamin Gonzalez O'Brien, “‘A Very Great Penalty’: Mexican Immigration, Race, and 8 U.S.C § 1326,” *Maryland Journal of International Law*, Vol. 37, issue 1, article 5 (2022), p. 45, <https://digitalcommons.law.umaryland.edu/mjil/vol37/iss1/5>.

¹¹ Erika Lee, *America for Americans: A History of Xenophobia in the United States* (New York: Basic Books, 2019), 227.

other West Indian colonies, arguing that it “perpetuates certain objectionable racist features.” As Powell put it, “The 1924 law early achieved notoriety for the racist sentiments which engendered it and the Ku Klux Klan support which insured its passage. The McCarran-Walter bills perpetuate the obvious racist discrimination, and by so doing reaffirm a bias against Negro immigration which should have been repudiated long ago.”¹²

15. The same kinds of racist justifications for immigration restrictions continued in the 1980’s and 1990’s, as the government detained and deported dramatically increasing numbers of immigrants. One exemplar comes from the Cuban Mariel refugees, who were stigmatized as mentally ill and violent criminals. President Jimmy Carter accused Fidel Castro of emptying his jails and mental hospitals and sending the worst of the worst to the United States. “We will not permit our country to be used as a dumping ground for criminals who represent a danger to our society, and we will begin exclusion proceedings against these people at once.”¹³ In 1981, the Democratic Governor of Florida, Bob Graham, also expressed the idea that Mariel Cubans were criminals, stating, “Since the Federal Government was unwilling to enforce the immigration laws when illegal criminal aliens entered our country last summer, it must take responsibility for expelling those individuals now.”¹⁴ In the Mariel case, while some Cubans had criminal backgrounds or histories of mental illness, the stigma attached to the entire group of 125,000, the vast majority of whom did not have such backgrounds.¹⁵

¹² Congressional Record 98 (1952): 4435, 4438.

¹³ Jimmy Carter, “White House Statement on the Administration Policy Toward the Cuban Refugees,” May 14, 1980, The American Presidency Project, <https://www.presidency.ucsb.edu/documents/white-house-statement-the-administration-policy-toward-the-cuban-refugees>.

¹⁴ As cited in Alexander M. Stephens, “Making Migrants ‘Criminal’: The Mariel Boatlift, Miami, and U.S. Immigration Policy,” *Anthurium*, Vol. 17, issue 2 (2021), Article 4, p. 1.

¹⁵ Young, *Forever Prisoners: How the United States Made the Largest Immigrant Detention System in the World*, 125.

16. These are just a few of many, many examples of the racist ideology and rhetoric that have been used to justify attacks on immigrant groups seen as non-white throughout U.S. history. There have been ebbs and flows in the law and policy governing deportations over the last 140 years, but the criminalization and dehumanization of unwanted immigrants is a constant thread that weaves its way through this history.

III. Stigmatization of Central American and other Latino Immigrants

17. The statements made by President Trump and Secretary Noem clearly fit into this historical pattern. Specifically with respect to Honduras, Secretary Noem has described Honduran “migration management” as a tool to “save American lives and get criminals off our streets!,” thus repeating a longstanding trope conflating Honduran migrants with criminals.¹⁶ She also recently described migrants arriving at the U.S.-Mexico border as an “invasion happening on purpose ... to remake the foundation of this country.”¹⁷

18. Trump and Noem have repeatedly characterized immigrants as invaders, and migration by people from non-white majority countries as an “invasion,” echoing the racist “replacement theory”—the idea that non-white immigrants will “replace” the white race, thus undermining this nation’s (white) foundation. Stephen Miller, the White House Deputy Chief of Staff, and the principal architect of the administration’s harsh immigration policies, has peddled the replacement theory and even used the far-right website *Breitbart* to disseminate these views. In one leaked email between Miller and Katie McHugh, a writer for *Breitbart* at the time, Miller sent McHugh a link to James Simpson’s book *The Red-Green Axis: Refugees, Immigration and the*

¹⁶ @Sec_Noem (Mar. 20, 2025), https://x.com/Sec_Noem/status/1902870288921927870 (framing Honduran “migration management” as a means to “save American lives and get criminals off our streets!).

¹⁷ “South Dakota Gov. Kristi Noem Calls on Nikki Haley to Exit 2024 Race,” *CBS News*, Mar. 5, 2024, <https://www.cbsnews.com/video/kristi-noem-calls-on-nikki-haley-to-exit-2024-race/>.

Agenda to Erase America. The book's outlandish thesis is that refugee resettlement is part of a vast conspiracy to erase American sovereignty and culture.¹⁸ Simpson writes, "The entire refugee/asylee agenda must be viewed as a UN-inspired plan aimed at the West, especially America, to erase borders and dilute Western culture through mass immigration from the world's failed nations."¹⁹ Miller also commented on a report about the increasing diversity of the U.S. population with the comment, "White youth population disappearing."²⁰ It is clear that the main author of Trump's immigration policies believes and promotes the debunked and racist "replacement theory."

19. This language has been used in official documents which have been at the core of the justification Secretary Noem has relied upon in terminating TPS during this administration. On his first day in office, President Trump issued an Executive Order, "Protecting the American People Against Invasion," characterizing immigrants as invaders committing "vile and heinous acts against innocent Americans." The Order goes on to accuse immigrants of "espionage" and "preparations for terror-related activities."²¹ This Executive Order has been cited in the terminations at issue in this case.²²

¹⁸ Jason Wilson, "Leaked Emails Reveal Trump Aide Stephen Miller's White Nationalist Views," *Guardian*, Nov. 14, 2019, <https://www.theguardian.com/us-news/2019/nov/14/stephen-miller-leaked-emails-white-nationalism-trump?>

¹⁹ James Simpson, *The Red-Green Axis 2.0: An Existential Threat to America and the World*, Center for Security Policy Press, 2019, p. 41, <https://centerforsecuritypolicy.org/wp-content/uploads/2019/06/Red-Green-Axis-5-8-19-1.pdf>.

²⁰ Jason Wilson, "Leaked Emails Reveal Trump Aide Stephen Miller's White Nationalist Views," *Guardian*, Nov. 14, 2019, <https://www.theguardian.com/us-news/2019/nov/14/stephen-miller-leaked-emails-white-nationalism-trump?>

²¹ Donald Trump, "Protecting the American People Against Invasion," Executive Order, Jan. 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion>.

²² US Citizenship and Immigration Services, US Department of Homeland Security, "Termination of the Designation of Nicaragua for Temporary Protected Status," *Federal Register* (preliminary notice), July 8, 2025, fn. 4, <https://public-inspection.federalregister.gov/2025-12688.pdf>; US Citizenship and Immigration Services, US Department of Homeland Security, "Termination of the Designation of Honduras for Temporary Protected Status," *Federal Register* (preliminary notice), July 8, 2025, fn. 10, <https://public-inspection.federalregister.gov/2025-12621.pdf>.

20. This language has been reiterated repeatedly. While a candidate, Trump contended that TPS holders “descended upon a town of 58,000 people, destroying their way of life.”²³ In October 2024, President Trump characterized the United States as a country as “an occupied country,” “invaded and conquered” by criminal migrants.²⁴ He has also repeatedly decried nonwhite immigrants for “poisoning the blood of our country.”²⁵

21. In his Republican Convention speech in July 2024, Donald Trump invoked this rhetoric falsely claiming that migration from Latin America, Africa, Asia and the Middle East, amounted to “the greatest invasion in history.” As Trump put it, “They’re coming from prisons. They’re coming from jails. They’re coming from mental institutions and insane asylums. . . . They’re emptying out their insane asylums. And terrorists at numbers that we’ve never seen before. Bad things are going to happen.”²⁶

22. In posts on X, DHS has used similar language. In June 2025, DHS asserted that “The Biden Administration allowed millions of illegal aliens to flood our country[.]”²⁷ In May 2025, DHS alleged TPS permitted “half a million poorly vetted migrants into this country—from MS-13 gang members to known terrorists and murderers.”²⁸ The ways in which DHS officials have depicted half

²³ Sam Levine, *‘They’ve Destroyed the Place’: Trump Repeats Racist, Anti-immigrant Lies*, *Guardian*, Sept. 13, 2024, <https://www.theguardian.com/us-news/2024/sep/13/trump-repeats-lies-haitian-immigrants>; see also Damita Menezes & Ali Bradley, “Trump on Springfield Haitian Migrants: ‘They Have to Be Removed,’” *News Nation*, Oct. 2, 2024, at approx. 12:45, available at <https://www.newsnationnow.com/politics/2024-election/trump-springfield-haitian-migrants-removed/> (“Springfield is such a beautiful place. Have you seen what’s happened to it? It’s been overrun. You can’t do that to people. . . . I’d revoke [TPS], and I’d bring [the migrants] back to their country.”).

²⁴ Speech by Donald Trump at Madison Square Garden Presidential Campaign Rally, YouTube, Oct. 27, 2024, at approx. 16:13, available at <https://www.youtube.com/watch?v=bzVT4YEuSuI>.

²⁵ “Donald Trump on Illegal Immigrants ‘Poisoning the Blood of Our Country,’” *C-Span* (Dec. 16, 2023), available at <https://www.c-span.org/clip/campaign-2024/donald-trump-on-illegal-immigrants-poisoning-the-blood-of-our-country/5098439>.

²⁶ “Read the Transcript of Donald J. Trump’s Convention Speech,” *New York Times*, July 19, 2024, <https://www.nytimes.com/2024/07/19/us/politics/trump-rnc-speech-transcript.html>.

²⁷ @DHSgov, X, June 23, 2025, <https://x.com/DHSgov/status/1937273682465894869>.

²⁸ @DHSgov, X, May 19, 2025, <https://x.com/DHSgov/status/1924575437344186612>.

a million migrants who have been vetted for criminal records as “terrorists and murderers” reveals how intent they are to stigmatize an entire group of migrants as criminals.

23. These statements are only the latest in a string of similar comments made in the last ten years by Trump, both as a candidate and while in office, in which he has repeated longstanding racist tropes against immigrants, and particularly immigrants from Central America and other Latin American countries. Then-candidate Trump began his first campaign in June 2015 with a speech that characterized Mexican immigrants as drug dealers, criminals, and rapists. On the campaign trail in the months that followed, he repeatedly told a parable that compared immigrants to snakes, often in the context of Central American migrants specifically. He has continued telling that parable in the years since, including in his most recent campaign.²⁹

24. As President in 2018, Trump reportedly rejected a deal that would have granted permanent immigration status to TPS holders from El Salvador Honduras, and Haiti, among other countries, by asking “Why are we having all these people from shithole countries come here?” before suggesting that instead there should be more people from “countries like Norway.” Although Trump and his allies tried to walk back some of these comments, Illinois Representative Dick Durbin was at the meeting and recalled the president’s comments: “It was vile. It was hateful. It was racist.”³⁰ Trump has repeated similar statements more recently as well, speaking favorably of “nice countries ... like Denmark, Switzerland” and “Norway” in contrast with “unbelievable places and

²⁹ See, e.g., Dara Lind, “‘The Snake:’ Donald Trump Brings Back His Favorite Anti-Immigrant Fable at CPAC,” *Vox*, Feb. 23, 2018, available at www.vox.com/policy-and-politics/2018/2/23/17044744/trump-snake-speech-cpac; see also Julie Hirschfeld Davis, “Trump Calls Some Unauthorized Immigrants ‘Animals’ in Rant,” *New York Times*, May 16, 2018, available at www.nytimes.com/2018/05/16/us/politics/trump-undocumented-immigrants-animals.html; see also John Bennett, “‘Dumping Ground’: Trump Echoes Conservative ‘Project 2025’ at First Rally as Felon,” *Roll Call*, June 10, 2024, available at <https://rollcall.com/2024/06/10/dumping-ground-trump-echoes-conservative-project-2025-at-first-rally-as-a-felon/>.

³⁰ Eugene Kiely, “What Did Trump Say at Immigration Meeting,” *FactCheck.org*, Jan. 16, 2018, <https://www.factcheck.org/2018/01/trump-say-immigration-meeting/>.

countries, countries that are a disaster.”³¹ The comparison of El Salvador, Honduras, and Haiti—predominantly non-white countries—with Denmark, Switzerland, and Norway—predominantly white countries, clearly reveals the underlying racist logic behind Trump’s desire to end TPS for these particular countries.

25. President Trump has also consistently conflated immigrants from Central America and other nonwhite immigrants, with criminals and gang members, and called them “animals.”³² For example, President Trump said about some undocumented immigrants during a March 2024 rally, “I don’t know if you call them people. In some cases they’re not people, in my opinion, but I’m not allowed to say that[.]”³³ He has also repeatedly, and falsely, claimed that “jails and mental institutions from other countries and gang members right off the streets of the toughest cities of the world are being brought to the United States of America and emptied out into our country.”³⁴ Noem has made similar statements, both during the campaign and as Secretary.³⁵

26. Noem and Trump have made numerous similar racist statements denigrating immigrants from other countries racialized as non-white, including Haiti, Nigeria, and Venezuela;

³¹ Maggie Haberman & Michael Gold, “Trump, at Fund-Raiser, Says He Wants Immigrants from ‘Nice’ Countries,” *New York Times*, Apr. 7, 2024, available at <https://www.nytimes.com/2024/04/07/us/politics/trump-immigrants-nice-countries.html> (“These are people coming in from prisons and jails. They’re coming in from just unbelievable places and countries, countries that are a disaster.”).

³² Miriam Valverde, “In Context: Donald Trump’s comments about immigrations, ‘animals,’” *Politifact*, May 17, 2018, available at <https://www.politifact.com/truth-o-meter/article/2018/may/17/context-donald-trumps-comments-about-immigrants-an/> (relying on MS-13 to claim that undocumented immigrants “aren’t people. These are animals.”).

³³ Ariana Figueroa, “Trump Promises Mass Deportations of Undocumented People. How Would That Work?” *Missouri Independent*, Aug. 23, 2024, available at <https://missouriindependent.com/2024/08/23/trump-promises-mass-deportations-of-undocumented-people-how-would-that-work/>.

³⁴ Fox News, “President Donald Trump: We Will Bring Our Country Back,” YouTube, Jan. 22, 2025) at approx. 18:26, available at <https://www.youtube.com/watch?v=mQUmy6gkwWg>.

³⁵ @KristiNoem, X, Feb. 26, 2024, 11:19 AM, <https://x.com/KristiNoem/status/1762195636491825295>; @KristiNoem, X, Feb. 27, 2024, 5:26 PM, <https://x.com/KristiNoem/status/1762650522920652828>.

and also criticized their countries as inferior. Noem described Venezuelan TPS holders as “dirt bags.”³⁶ Trump, while a candidate, reiterated the lie that that Haitian TPS holders were “eating the dogs,” “cats,” and “pets.”³⁷ He has also said, falsely, that Haitians “all have AIDS”³⁸ and allowing them into the country is “like a death wish for our country.”³⁹ He asserted that Haitian TPS holders were “destroying the towns” and would “end up destroying the state!”⁴⁰ Trump asserted that Venezuelan migrants were “animals”⁴¹ who “destroyed the fabric of our country.”⁴²

³⁶ @Sec_Noem, X, Jan. 28, 2025, 7:35 AM, available at https://x.com/Sec_Noem/status/1884264039158800547 (“Getting the dirt bags off the streets.”); “DHS Secretary Kristi Noem Joins Federal Agents on Immigration Raids in New York,” *CBS Mornings*, Jan. 29, 2025, at approx. 1:10, available at <https://www.youtube.com/watch?v=tODarHnNiNs> (“These guys are dirtbags. They have come in and perpetuated violence in this country.”). The CBS reporter who accompanied Secretary Noem on New York City raids to which she referred reported that nearly half of those arrested had no criminal history.

³⁷ See, e.g., CBS News, “Simulcast – ABC News Presidential Debate,” *C-SPAN*, Sep. 10, 2024, at approx. 29:26, available at <https://www.c-span.org/program/campaign-2024/simulcast-abc-news-presidential-debate/648383>.

³⁸ *Saget*, 375 F. Supp. 3d at 371 (citing President Trump’s statements that “Haitians ‘all have AIDS’” as evidence of racial animus).

³⁹ “Trump Slams Haitians Attempting to Enter U.S., Says They ‘Probably Have AIDS,’” ABC 7 Oct. 10, 2021, <https://abc7.com/haitian-migrants-donald-trump-former-president-immigration/11108741/>.

⁴⁰ Edith Olmstead, “Trump Is Now Threatening All Immigrants, ‘Illegal’ or Not,” *New Republic*, Oct. 9, 2024, available at <https://newrepublic.com/post/186961/donald-trump-racist-attacks-springfield-ohio-lie> (“[L]ook at Springfield, where 30,000 illegal immigrants are dropped, and it was, they may have done it through a certain little trick, but they are illegal immigrants as far as I’m concerned.”).

⁴¹ Fox 4 Dallas-Fort Worth, “Trump Rally in Aurora, Colorado: FULL SPEECH,” YouTube, Oct. 12, 2024, at approx. 41:05, available at https://www.youtube.com/watch?v=_xguaneoZ5A; see also NBC NEWS, *Meet the Press*, YouTube (Dec. 8, 2024) at approx. 8:52, available at https://www.youtube.com/watch?v=-UsHJWEAj_I (“Did you know that Venezuela their prisons are . . . at the lowest point in terms of emptiness that they’ve ever been? They’re taking their people out of those prisons by the thousands and they’re drop—.”); Fox News, “Donald Trump Delivers Remarks at Rally in Reading, PA,” YouTube, Oct. 9, 2024, at approx. 29:55, 30:07, available at <https://www.youtube.com/live/QuoT6T3fbU0?t=1791s> (similar).

⁴² See also CBS News, “Simulcast – ABC News Presidential Debate,” *C-SPAN*, Sept. 10, 2024, at approx. 33:40, available at <https://www.c-span.org/program/campaign-2024/simulcast-abc-news-presidential-debate/648383> (“They allowed people to come in, drug dealers, to come into our country, and they’re now in the United States. And told by their countries like Venezuela don’t ever come back or we’re going to kill you. . . . There’s never been anything done like this at all. They’ve destroyed the fabric of our country. Millions of people let in.”).

27. There is no evidence substantiating any of the assertions that Central American migrants, or migrants generally, commit crimes in greater numbers than the population at large. In fact, the reverse is true: immigrants commit crimes at rates substantially below those of native-born citizens.⁴³ One 2020 study by the National Bureau of Economic Research concluded that immigrants were 60 percent less likely to be incarcerated than US-born citizens.⁴⁴ A 2021 Department of Justice study found that although prosecutions of immigrants grew between 1990 and 2018, 90 percent of those were for immigration-related offenses. The researchers found that US-born citizens were five times more likely to commit violent crimes, and twice as likely to commit property or drug crimes.⁴⁵ Texas is the only state to record immigration status along with arrests and conviction data, making it a particularly useful case to understand the relative criminality of citizens and non-citizens. A 2020 Texas Department of Public Safety study revealed that immigrants of all legal statuses committed violent and drug crimes at half the rate of US-born citizens. The same study showed that such immigrants committed property crimes at one-quarter the rate of US-born citizens. The crime rate for unauthorized migrants was even lower than that of US-born and lawfully present immigrants.⁴⁶ All of the research points to one conclusion: immigrants commit crimes at lower rates than US-born

⁴³ Ariel G. Ruiz Sotom, “Explainer: Immigrants and Crime in the United States,” Migration Policy Institute, October 2024, <https://www.migrationpolicy.org/content/immigrants-and-crime>.

⁴⁴ Ran Abramitzky, Leah Platt Boustan, Elisa Jácome, Santiago Pérez & Juan David Torres, “Law-Abiding Immigrants: The Incarceration Gap Between Immigrants and the US-born, 1870–2020,” National Bureau of Economic Research., July 2023, revised March 2024, <https://www.nber.org/papers/w31440>.

⁴⁵ Suzanne M. Strong and Mark A. Motivans, “Non-U.S. Citizens in the Federal Criminal Justice System, 1998–2008,” Bureau of Justice Statistics, Nov. 2021, <https://bjs.ojp.gov/library/publications/non-us-citizens-federal-criminal-justice-system-1998-2018>.

⁴⁶ Michael T. Light, Jingying He and Jason Robey, “Comparing Crime Rates Between Undocumented Immigrants, Legal Immigrants, and Native-Born US Citizens in Texas,” *Proceedings of the National Academy of Sciences of the United States of America (PNAS)*, Dec. 7, 2020, <https://www.pnas.org/doi/full/10.1073/pnas.2014704117>.

citizens. TPS holders, in particular, go through criminal background checks and are disqualified if they have one felony or two misdemeanors.⁴⁷

28. The statements made by Trump and Noem are fundamentally similar to those utilized by racist immigration restrictionists in prior eras. Here, the stigmatized group is Central American and other TPS holders.

IV. Current Country Conditions in Honduras

29. In general, Hondurans face a context of insecurity, high homicide rates, and pervasive violence related to street gangs and drug trafficking organizations. The issues which gave rise to the initial grant of TPS to Hondurans in January 1999 have only gotten worse since that time. Between 1997 and 2007, more than 100,000 Hondurans were deported from the US back to their home country following the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. This expulsion of so many, including a high number of gang members, to one of the poorest countries in the hemisphere exacerbated a tenuous situation leading to the extremely high rates of violence in Honduras today.⁴⁸ In 2009, then-president Manuel Zelaya was unseated in a military coup, and the police and army took to the streets to fill the power vacuum, exacerbating the country's political and security problems.

30. Government dysfunction and high unemployment rates created a context ripe for the escalation of street gangs. In addition, drug-trafficking has been increasingly routed inland as transportation becomes more difficult in the Caribbean and Honduras has become a major player in moving cocaine north to the United States.⁴⁹ Regional instability, high unemployment rates, poverty and internal political conflicts have converged to create what is today one of the most violent nations

⁴⁷ 8 U.S.C. § 1254a(c)(2)(B)(i).

⁴⁸ Joanna Mateo, "Street Gangs of Honduras," in *Maras*, ed. Lucia Dammert Thomas Burneau, and Elizabeth Skinner (Austin: University of Texas Press, 2011), 94.

⁴⁹ "Transnational Organized Crime in Central America and the Caribbean," United Nations Office on Drug and Crimes, September 2012.

in the world.⁵⁰ Impunity has been rampant in the country. A 2024 State Department report on human rights in Honduras, noted, “Corruption, a lack of investigative resources, and judicial delays led to widespread impunity, including for members of security forces.” Although “the law provided for criminal penalties for corruption by officials, [] authorities did not implement the law effectively, and officials continued to engage in corrupt practices with impunity. There were numerous reports of government corruption.”⁵¹

31. The murder rate in Honduras has fallen from a high of 83 per 100,000 people in 2011, to 25.3 per 100,000 by the end of 2024.⁵² For comparison, the US murder rate throughout the last decade has hovered around 5 per 100,000, although since 2020 has increased to 6-7 per 100,000. Honduras spent 2023 and 2024 under a state of emergency, trying to recreate the security gains of neighboring El Salvador. While President Xiomara Castro’s heavy-handed approach has suspended rights and focused on hitting gangs in the country’s most violent hotspots, the approach has made scant progress against organized crime, according to think-tank InSight Crime.⁵³ In June 2023, gang violence erupted in a women’s prison, resulting in at least 46 deaths. In response, prisons were put under military control, a common measure in Honduras that generally heightens human rights abuses.⁵⁴

⁵⁰ “Global Study on Homicide, 2013,” United Nations Office on Drugs and Crimes, March 2014

⁵¹ US Department of State, “Honduras 2023 Human Rights Report,” April 2024, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/honduras/>, p. 4, 16.

⁵² “InSight Crime’s 2024 Homicide Round-Up,” InSight Crime, Feb. 26, 2025, <https://insightcrime.org/news/insight-crime-2024-homicide-round-up/#h-honduras-26-5>

⁵³ Juliana Manjarrés and Christopher Newton, “InSight Crime’s 2023 Homicide Round-Up,” InSight Crime, Feb. 21, 2024, <https://insightcrime.org/news/insight-crime-2023-homicide-round-up/#honduras-1>.

⁵⁴ “World Report 2024: Honduras,” Human Rights Watch, <https://www.hrw.org/world-report/2024/country-chapters/honduras#:~:text=Preliminary%20police%20data%20shows%20%2C341,the%20same%20period%20of%202022.>

32. Reports by the U.S. Department of State have found that criminal organizations and other lawbreakers act with impunity in Honduras because the political and legal institutions of the state are rife with corruption and lack the resources to investigate and prosecute crime. The most recent human rights report published in 2024 paints a bleak picture of the levels of corruption within the state and security forces in Honduras: “The human rights situation in Honduras was problematic, due to the prolonged *estado de excepción* (state of emergency) and an increase in gender-based violence. The Office of the UN High Commissioner for Human Rights raised concerns regarding illegal detentions, excessive use of force, and abuses committed during warrantless home searches during the state of exception. Violence and extortion persisted at high levels, due to competition among gangs.”⁵⁵

33. Hondurans have lost even more faith in their government’s ability to combat corruption after recent trials in the United States have revealed the participation of former President Juan Orlando Hernandez and his brother in large scale drug-trafficking operations. On the first day of his trial in October 2019, US prosecutors revealed that the Mexican drug lord known as El Chapo had delivered \$1 million to the former president’s brother with the intention that the money would be funneled on to the country’s leader.⁵⁶ Beyond the highest level of political structure, ties to drug trafficking run deep within state and local politicians and entities. Several Honduran politicians, law enforcement officers and businessmen have been charged – and in some cases, sentenced – in the US for their connections with local transport groups, small family-based criminal groups present in Central America who are in charge of storing and transporting drugs from one side to another of the country.

⁵⁵ US Department of State, “2023 Country Reports on Human Rights Practices: Honduras,” <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/honduras/>

⁵⁶ Elisabeth Malkin, “Hondurans React to Bribe by El Chapo to President: ‘We live in a Narcostate,’” *New York Times*, Oct. 3, 2019, <https://www.nytimes.com/2019/10/03/world/americas/honduras-juan-orlando-hernandez.html>.

34. Although the current government of President Xiomara Castro made pronouncements of cracking down on gang violence, no effective measures have been implemented to reduce rampant killings and security threats to Hondurans. At the end of November 2022, President Xiomara Castro declared a national state of emergency, suspending constitutional guarantees in light of continuing violence and extortion by gangs. 20,000 new police agents were deployed across the country and security checkpoints were established on roads.⁵⁷ The state of emergency has been repeatedly extended, and covered 235 of the country's 298 municipalities by the beginning of 2023.⁵⁸ The state of emergency was extended on July 3, 2025, meaning the country has been under the decree for more than 950 days.⁵⁹ The homicide data, numerous reports of violence in the country, along with my own interviews in August 2023 with human rights organizations in Honduras, suggest that the state of emergency has not had a significant impact on the gangs or violence.⁶⁰

35. Furthermore, human rights advocates have noted the illegal nature of the state of exception, given that the executive action was never approved by Congress, and due to the lack of transparency and large number of complaints against police and military officers. According to Honduran newspaper *Criterio*, by April 2024 police and military officials had racked up over 900 formal complaints of different crimes and abuses against civilians during the state of exception.⁶¹

⁵⁷ "Honduras declares national emergency over gang extortions," *Reuters*, Nov. 24, 2022, <https://www.reuters.com/world/americas/honduras-declares-national-emergency-over-gang-extortions-2022-11-24/>.

⁵⁸ "Honduras Extends, Expands State of Emergency Meant to Fight Crime," *Reuters*, Jan. 7, 2023, <https://www.voanews.com/a/honduras-extends-expands-state-of-emergency-meant-to-fight-crime-6908726.html>.

⁵⁹ "Honduras: Gobierno encadena al país a 950 días de estado de excepción," *Confidencial HN*, July 4, 2025, <https://confidencialhn.com/honduras-gobierno-encadena-al-pais-a-950-dias-de-estado-de-excepcion/>

⁶⁰ Marlon González, "Honduras copies El Salvador's playbook in anti-gang crackdown," *AP*, June 27, 2023, <https://apnews.com/article/honduras-prisons-raids-rights-el-salvador-6e757b5fcc33ae9328640630e47a912d>.

⁶¹ Daniel Girón, "Gobierno extiende estado de excepción en medio de cuestionamientos por su 'ilegalidad,'" *Criterio*, April 9, 2024, <https://criterio.hn/gobierno-extiende-estado-de-excepcion-en-medio-de-cuestionamientos-por-su-ilegalidad/>.

The state of emergency allows for the suspension of rights under the Honduran constitution including freedoms of assembly, association, and movement. Police and military are able to conduct arrests and searches without a warrant.⁶² Increasing police autonomy and lack of oversight have created conditions leading to extrajudicial executions, arbitrary detentions, as well as torture and mistreatment for detainees. The Inter-American Commission on Human Rights (IACHR) reported that it had received information regarding “the involvement of military agents in murders, executions, kidnappings and arbitrary detentions against civilians.”⁶³

36. Data also indicates that the state of emergency has been ineffective at reducing homicides. The Violence Observatory at the National Autonomous University of Honduras (UNAH) found 1,200 homicides occurred just between January and May 2023, or an average of 8 homicides daily.⁶⁴ While the Ministry of Security reported in July 2023 that authorities had detained more than 1,300 people, 500 allegedly related to gangs, less than half of the latter have been prosecuted and only 84 were formally sentenced. The majority were released soon after arrest, according to data from the Association for a More Just Society (ASJ).⁶⁵ A December 2023 report by the Armed Conflict Location and Event Data Project (ACLED) found that the country’s state of emergency had “yielded mixed results” and that violence against civilians “continued unabated” in 2023. The ACLED report also claims that violence has spread beyond the traditional hotspots of Tegucigalpa

⁶²“Honduras: Authorities extend state of emergency until at least early October /update 4,” Crisis-24, April 6, 2023, <https://crisis24.garda.com/alerts/2023/04/honduras-authorities-extend-state-of-emergency-until-at-least-early-october-update-4>.

⁶³Christopher Hernandez-Roy and Rubi Bledsoe, “Democracy Dies under Mano Dura: Anti-Crime Strategies in the Northern Triangle,” Center for Strategic and International Studies, April 2023, <http://www.jstor.org/stable/resrep48815>.

⁶⁴ Hugo Armando Espinal, “En cinco meses se han producido mil 200 homicidios en el país, según el Observatorio de la Violencia,” DIRCOM UNAH, June 14, 2023, <https://blogs.unah.edu.hn/dircom/en-cinco-meses-se-han-producido-mil-200-homicidios-en-el-pais-segun-el-observatorio-de-la-violencia-de-la-unah/>.

⁶⁵ Beatriz Guillén, “Honduras, the country where the Bukele method failed,” *El País*, Oct. 3, 2023, <https://english.elpais.com/international/2023-10-03/honduras-the-country-where-the-bukele-method-failed.html>.

and San Pedro Sula, possibly due to “increased pressure on gangs in the most populous urban areas due to frequent law enforcement operations.” Other crimes such as extortion have also been found to be on the rise since the beginning of the state of exception.⁶⁶ In short, the security conditions in Honduras, including violence by organized crime and extrajudicial killings by state agents have continued at high levels since 2023.

V. Current Conditions in Nicaragua

37. The political and security situation has deteriorated in Nicaragua as well in recent years. Since 2007, President Daniel Ortega has consolidated powers in the executive branch, overturned term limits,⁶⁷ conducted fraudulent elections,⁶⁸ illegally arrested political opponents,⁶⁹ stripped opponents of their citizenship,⁷⁰ and used the government as a simultaneous tool of public repression and protection for him and his co-president and wife, Rosario Murillo.⁷¹ His campaign for power and control in Nicaragua has led to intense political repression. In April 2018, student and civilian protests broke out against an Ortega decree that cut social security benefits and increased

⁶⁶ Peter Appleby and Steven Dudley, “Honduras and El Salvador: Two States of Emergency With Very Different Results,” InSight Crime, Dec. 6, 2023, <https://insightcrime.org/news/honduras-and-el-salvador-two-states-of-emergency-with-very-different-results/>.

⁶⁷ Inter-American Commission on Human Rights, “Nicaragua: Concentration of Power and the Undermining of the Rule of Law” (Inter-American Commission on Human Rights, September 25, 2021), https://www.oas.org/en/iachr/reports/pdfs/2021_nicaragua-en.pdf, 10.

⁶⁸ “OAS assembly condemns Nicaragua's election as 'not free,’” *Washington Post*, Archived November 13, 2021, ISSN 0190-8286, https://web.archive.org/web/20211113024732/https://www.washingtonpost.com/world/mexico-expresses-concern-but-wont-condemn-nicaragua-vote/2021/11/12/19eaf702-442a-11ec-9404-50a28a88b9cd_story.html.

⁶⁹ Yubelka Mendoza and Anatoly Kurmanaev, “In Nicaragua, Repression Deepens as More Opposition Leaders are Detained,” *New York Times*, June 9, 2021, <https://www.nytimes.com/2021/06/09/world/americas/nicaragua-ortega-opposition-leaders.html>.

⁷⁰ Gabriela Selser, “Nicaragua Strips Citizenship from 94 Political Opponents,” *AP*, Feb. 15, 2023, <https://apnews.com/article/politics-spain-government-caribbean-daniel-ortega-4907d12691ef14a243adffb5fb34ce82>.

⁷¹ “Nicaragua: Informe sobre los hechos de violencia ocurridos entre el 18 de Abril y el 30 de Mayo 2018,” *Grupo Interdisciplinario De Expertos Independientes* (Grupo Interdisciplinario de Expertos Independientes, 2018), accessed March 3, 2025, http://gieinicaragua.org/giei-content/uploads/2018/12/GIEI_INFORME_DIGITAL.pdf.

taxpayer contributions.⁷² Police and Ortega's paramilitary forces killed at least 355 individuals.⁷³ Since 2018, human rights abuses and repression by the Ortega regime have increased.

38. The 2018 protests in Nicaragua marked a turning point for citizens' rights to assembly, triggering a nationwide crackdown on demonstrations. While protests in opposition to the Transatlantic Canal and social security reforms had taken place since 2013, government repression intensified significantly in 2018. On April 18 of that year, a group of university students rallied on the streets of Nicaragua to protest a new social security reform which would demand greater wage shares from workers while providing fewer benefits.⁷⁴ Public outrage was further inflamed by the government's minimal response to massive forest fires that destroyed over 13,000 acres of land.

39. In 2020, the United States Treasury released a statement condemning the Nicaraguan National Police (NNP) due to their actions since April 2018. As Secretary Steven T. Mnuchin stated, "the Ortega regime has utilized the Nicaraguan National Police as a tool in its campaign of violent repression against the Nicaraguan people."⁷⁵ The State Department applied sanctions to the NNP as well as three NNP commissioners, citing severe human rights violations, including the use of live ammunition against peaceful protestors, kidnapping, and extrajudicial killings.⁷⁶

⁷² Frances Robles, "In Nicaragua, Ortega Was on the Ropes. Now, He Has Protesters on the Run," *New York Times*, December 24, 2018, archived January 1, 2022, <https://www.nytimes.com/2018/12/24/world/americas/nicaragua-protests-ortega.html>.

⁷³ Organization of American States, *IACHR Presents Updated Data on the Number of People Killed in Colombia in the Context of Social Protests*, December 20, 2021, https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/302.asp.

⁷⁴ *Georgetown Journal of International Relations*, "Nicaragua on the Brink: Protests, Elections, and Mass Atrocity," March 17, 2023, <https://gjia.georgetown.edu/2023/03/17/nicaragua-on-the-brink-protests-elections-and-mass-atrocity/>.

⁷⁵ U.S. Department of Treasury, "Treasury Sanctions Nicaraguan National Police and Police Commissioners Involved in Human Rights Abuse," March 5, 2020, <https://home.treasury.gov/news/press-releases/sm930>.

⁷⁶ U.S. Department of Treasury, "Treasury Sanctions Nicaraguan National Police and Police Commissioners Involved in Human Rights Abuse," March 5, 2020.

40. Since returning to power, President Daniel Ortega has escalated repression against opponents, targeting protesters, Indigenous and environmental activists, advocates for electoral reform, university students, and members of the Christian faith. In response to the demonstrations, Ortega's government deployed police forces, resulting in violent crackdowns and the deaths of over 300 people. In addition, many protesters were arrested on politically motivated or fabricated charges. Between 2018 and 2025, the situation has continued to deteriorate: more Nicaraguans are fleeing the country, surveillance by state authorities has intensified, and new laws have further restricted the right to protest.

41. Ortega and Murillo have consolidated power over the military and police in the aftermath of the 2018 demonstrations. In November 2024, the Sandinista-controlled National Assembly restructured the military code and that of the National Police, extending the terms of the heads of the armed forces from five to six years. The current army chief, Julio César Avilés, faces U.S. sanctions for refusing to disband paramilitary forces during and after the 2018 uprisings—instead, he supplied them with weapons used in the crackdown, which led to over 300 deaths and widespread human rights abuses.⁷⁷ His term now extends until 2031.⁷⁸ These changes also grant the president complete authority over the police and army, allowing him not only to appoint the commander-in-chief of the army and the director of the police, but also to prolong the police chief's tenure indefinitely, "according to the interests of the nation."⁷⁹ This act has been followed by

⁷⁷ U.S. Department of the Treasury, "Treasury Sanctions Senior Nicaraguan Government Officials, Increasing Pressure on President Ortega's Regime," May 22, 2020, <https://home.treasury.gov/news/press-releases/sm1019>.

⁷⁸ "Ortega Hands Army to Wife, Cementing Power Duo in Nicaragua," *MENAFN*, March 25, 2025, <https://menafn.com/1109358592/Ortega-Hands-Army-To-Wife-Cementing-Power-Duo-In-Nicaragua>.

⁷⁹ Asamblea Nacional de Nicaragua, *Ley de Reforma a la Ley N°. 872, Ley de Organización, Funciones, Carrera y Régimen Especial de Seguridad Social de la Policía Nacional*, November 27, 2024, <http://legislacion.asamblea.gob.ni/NormaWeb.nsf/3133c0d121ea3897062568a1005e0f89/07c38d4b61aa830a06258be3005eff82?OpenDocument&Click=>.

increasingly aggressive politicization of the military. On March 25, 2025, Ortega appointed Murillo as Supreme Commander of the Nicaraguan Army in another effort to consolidate his control.⁸⁰

42. Ortega's regime has also reduced the independence of the judiciary and stripped hundreds of opponents of their citizenship, leaving them effectively stateless. Former prosecutor Alberto Novoa has explained that government-supporting officials must pass formal and informal "loyalty tests" to be appointed to influential positions within the judiciary.⁸¹ One striking example is Judge Ernesto Rodríguez Mejía. Mejía convicted Brandon Lovo and Glen Slate for the murder of journalist Ángel Gahona, who reported on the 2018 anti-government protests. The Interdisciplinary Group of Independent Experts (GIEI) later found that Gahona's murder conviction revealed significant judicial corruption. Two young men were arrested and convicted without credible evidence, despite eyewitness accounts suggesting police involvement, and forensic inconsistencies—implausibility of the alleged murder weapon's accuracy and the absence of fingerprints or gunshot residue—further undermined the prosecution's case.⁸² Gahona's family, including his widow, publicly denounced the convictions, insisting the real perpetrators were state agents.⁸³ Ernesto Rodríguez Mejía also barred GIEI members, independent media, and human rights advocates from attending the trial.⁸⁴ Despite these irregularities, Judge Mejía was later promoted to Magistrate of the First

⁸⁰ Wilfredo Miranda Aburto, "Nicaragua's Ortega and Murillo consolidate their power over the army and the police," *El País*, November 26, 2024, <https://english.elpais.com/international/2024-11-26/nicaraguas-ortega-and-murillo-consolidate-their-power-over-the-army-and-the-police.html>.

⁸¹ "Nicaragua's Judiciary: Subordinate to the Ortega-Murillo Regime," *Expediente Público*, January 8, 2021, <https://www.expedientepublico.org/nicaraguas-judiciary-subordinate-to-the-ortega-murillo-regime/>.

⁸² "Nicaragua: Informe sobre los hechos de violencia ocurridos entre el 18 de Abril y el 30 de Mayo 2018." *GIEI*, 248, 256, https://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI_INFORME.pdf.

⁸³ "Nicaragua: Informe sobre los hechos de violencia ocurridos entre el 18 de Abril y el 30 de Mayo 2018." *GIEI*, 251, https://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI_INFORME.pdf.

⁸⁴ "Nicaragua: Informe sobre los hechos de violencia ocurridos entre el 18 de Abril y el 30 de Mayo 2018." *GIEI*, 283, https://www.oas.org/es/cidh/actividades/giei-nicaragua/GIEI_INFORME.pdf.

Chamber of the Civil Court of Appeals in Managua.⁸⁵ In 2023, Mejía stripped 94 Nicaraguans of their citizenship.⁸⁶ Mejía’s trajectory—marked by loyalty to the regime rewarded with promotions—exemplifies how the judiciary has been weaponized under Ortega. His involvement in human rights abuses ultimately led to U.S. Treasury sanctions, making him one of only three Nicaraguan judges to face such penalties.⁸⁷ One Nicaraguan rural activist, Sergio Mena, who fled the country in 2018 following the crackdown on protesters, returned from exile in Costa Rica in 2021, only to be jailed in a prison where inmates were hung by their feet and shocked with electricity. *AP* reported that upon his release, “he and hundreds of religious leaders, students, activists, dissidents and journalists were rendered stateless- stripped of their citizenship, homes and government pensions.”⁸⁸

43. In conclusion, Nicaragua’s slide toward authoritarianism, marked by extrajudicial killings by state agents and paramilitary forces and repression against political opponents, has continued to escalate from 2018 until today.

VI. Conclusions

44. The statements made by President Trump, DHS Secretary Noem, and other Trump administration officials about Central American migrants, including TPS holders, can be understood in the context of a long history of the use of similar statements about disfavored immigrant groups to justify restrictive immigration laws. The irresponsible and unfounded comments by Secretary Noem, President Trump, and other officials about Central American TPS holders and other Latino

⁸⁵ “Nicaragua’s Judiciary: Subordinate to the Ortega-Murillo Regime,” *Expediente Público*, January 8, 2021, <https://www.expedientepublico.org/nicaraguas-judiciary-subordinate-to-the-ortega-murillo-regime/>.

⁸⁶ Gabriela Selser, “Nicaragua Strips Citizenship from 94 Political Opponents,” *AP*, Feb. 15, 2023, <https://apnews.com/article/politics-spain-government-caribbean-daniel-ortega-4907d12691ef14a243adffb5fb34ce82>.

⁸⁷ U.S. Department of the Treasury. “Treasury Sanctions Three Nicaraguan Judicial Officials Involved in Human Rights Abuses.” Press release, April 19, 2023. <https://home.treasury.gov/news/press-releases/jy1424>.

⁸⁸ Megan Janetsky and Sonia Pérez D., *AP*, Nov. 28, 2024, <https://apnews.com/article/nicaragua-daniel-ortega-stateless-citizenship-nationalities-costa-rica-b391e05eacd7dc3cf3968f5fb23987f1>.

immigrant communities should not be used as an excuse to rescind TPS protections. Rather, they should be understood within the context of a long history of racist dehumanizing tropes characterizing immigrants as diseased, mentally ill, and criminal invaders.

45. The current country conditions in Honduras and Nicaragua are volatile, marked by violence by both state agents and organized crime, and TPS holders who return would face grave risks to their lives and safety. Both Honduras and Nicaragua remain unsafe to accept the return of their nationals from the United States. In particular, the security situation in both countries has only grown worse since 2023, when their TPS designations were last extended. The forced return of a large number of TPS holders – who have not been to, or lived in, Honduras or Nicaragua for decades – would also render a volatile security situation even worse.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7th day of July 2025, in Portland, OR.



/s/

Dr. Elliott Young, Professor of History